

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Idaho State Office
1387 South Vinnell Way
Boise, Idaho 83709-1657

In Reply Refer To:
1400-713 (911) P

September 30, 2003

EMS
Instruction Memorandum No. ID-2003-105
Expires: 09/30/2004

To: All Employees

From: State Director

Subject: Policy on Equal Opportunity and Zero Tolerance of Discrimination and Sexual Harassment

Program Area: Equal Employment Opportunity

Purpose: The purpose of this Instruction Memorandum (IM) is to restate the policy on Zero Tolerance of Discrimination and Sexual Harassment. This IM is consistent with the Secretary of Interior's Memorandum, "Policy on Equal Opportunity and Zero Tolerance of Discrimination," dated August 24, 2001; the Bureau of Land Management (BLM) Director's Information Bulletins (IBs) 2003-068 and 069, "Policy of Zero Tolerance of Sexual Harassment" and "Policy on Equal Opportunity and Zero Tolerance of Discrimination", dated March 3, 2003; the Office of Fire and Aviation (OF&A) Director's IM 2003-005, "Policies on Equal Employment Opportunity and the Prevention of Sexual Harassment", dated June 6, 2003; BLM Director's IB 2003-126 "Policy on Zero Tolerance of Sexual Harassment On and Off the Fireline" dated August 14, 2003; OF&A Director's IB 2003-063, "Policy on Zero Tolerance of Misconduct On and Off the Fireline", dated August 15, 2003; and the Department of the Interior (DOI) Equal Opportunity Directive (EOD) 2002-16, "Department Sexual Harassment Policy", dated April 16, 2002.

Policy/Action: Idaho BLM will not tolerate discrimination or sexual harassment. All employees, including temporaries, contractors, and volunteers have a responsibility to maintain a discrimination-free work environment and prevent sexual harassment in all its various forms. BLM's policy requires that all employees are treated fairly and equitably without regard to gender, sexual orientation, age, race, color, national origin, religion or disability. The work environment includes government buildings and offices, field sites, on the fireline, and anywhere work-related activities occur. It also includes vehicles or other conveyances used for official travel.

Sexual harassment is a form of sex discrimination prohibited by Title VII of the Civil Rights Act of 1964, as amended. It involves unwanted and unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Made explicitly or implicitly a condition of an individual's employment;
- Employment decisions (promotions, work assignments, etc) are based on whether the victim submits to or rejects these sexual advances; or
- Interferes with an individual's work performance or creates an intimidating, hostile, or offensive work environment through offensive displays or behavior in the workplace.

Any employee who believes he or she has been subjected to discrimination or sexual harassment should immediately report it to a supervisor/manager for corrective action. Employees may also bring the matter to the attention of an Equal Employment Opportunity (EEO) Counselor within 45 days of the incident.

Allegations of discrimination will be addressed in a prompt, fair and impartial manner. Our policy is to resolve any discrimination problems as early as possible. Use of Alternative Dispute Resolution is encouraged to resolve any conflict between employees. Where discrimination/harassment is found to have occurred, managers/supervisors will act to stop the harassment, act to prevent its recurrence, and apply discipline where appropriate.

Depending on the severity of the circumstances, discipline may entail removing the harasser from the work environment and imposing some form of discipline ranging from a written reprimand to removal from Federal service. Disciplinary action may also be taken against a manager/supervisor who fails to take immediate and effective action to end discrimination/harassment.

The EEO Manager and others responsible in implementing this policy will respect the confidentiality and privacy of individuals reporting or accused of sexual harassment to the extent reasonably possible.

Every employee has a right to report discrimination/harassment without fear of reprisal. Reprisal occurs if someone threatens an employee or his or her career because the employee filed a complaint or discussed an issue with a supervisor, the EEO Official, or other officials in the agency.

Attached are the Idaho BLM policies on EEO (Attachment 1) and Prevention of Sexual Harassment (Attachment 2). These policy statements should be posted on an official bulletin board in each office and other prominent locations for everyone to read.

Timeframe: This IM is effective immediately

Background: Management has determined employees need to be reminded of this policy on a yearly basis. Discrimination is prohibited by Title VII of the Civil Rights Act of 1964, as amended; Rehabilitation Act of 1973; Age Discrimination in Employment Act of 1967; Equal Pay Act of 1963; Civil Service Reform Act of 1978.

Manual/Handbook Sections Affected: This IM serves as interim guidance to Idaho Supplement 1400-713 - Equal Employment Opportunity until it is issued.

Coordination: This IM was coordinated with the Idaho State Office Human Resources Officer, Fire Management Officer, and the Human Resources Specialist (Classification/Labor Relations).

Contact: If you have questions or concerns regarding this policy, please contact Rani Simmons, EEO Manager at (208) 373-4011.

Lower Snake River District with Union: No Union notification or negotiation is required.

Signed Anna F. Steele
for K Lynn Bennett

Authenticated
Sylvia Graves
Administrative Assistant

Attachments

- 1- Equal Employment Opportunity Policy (1 p)
- 2- Prevention of Sexual Harassment Policy (1 p)



IDAHO BUREAU OF LAND MANAGEMENT

STATE DIRECTOR'S POLICY STATEMENT **on** **EQUAL EMPLOYMENT OPPORTUNITY**

Equal Employment Opportunity is an integral component in the management of our work force. Full individual potential can be realized only when all our employees receive equal opportunity and fair treatment. I WILL TOLERATE NOTHING LESS. Equal Employment Opportunity considerations must form an integral part of the decision making process of every manager and supervisor. Non-supervisory personnel must share the responsibility and support this effort through their own conduct and sensitivity to the rights of coworkers and others with whom they interact on the job.

So that there is no misunderstanding and so that none of us become complacent, I will restate my policy on equal employment opportunity:

I am personally committed to providing Equal Employment Opportunity, to all persons by prohibiting discrimination in employment because of race, color, religion, sex, sexual orientation, national origin, age, and mental or physical disability and by promoting equal opportunity through a continuing affirmative employment program. This policy will be applied in all facets of recruitment, employment, development, advancement, supervision, and treatment of employees and applicants.

Managers and supervisors must be alert to issues which might result in allegations of discrimination. When discrimination is alleged, it will be the policy in Idaho BLM to attempt to resolve the matter in a prompt and equitable manner. I urge both employees and managers to work together to resolve conflicts at the earliest stages, and I call your attention to the availability of qualified Equal Employment Opportunity counselors to serve in that effort. Use of Alternative Dispute Resolution is encouraged to resolve any conflict between employees.

Your continuing awareness and dedication is vital to insuring that all Idaho BLM employees reach their full potential in an atmosphere of cooperation rather than conflict.

/s/ K Lynn Bennett
K Lynn Bennett, State Director

September 24, 2003
Date



IDAHO BUREAU OF LAND MANAGEMENT

STATE DIRECTOR'S POLICY STATEMENT

on

PREVENTION OF SEXUAL HARASSMENT

Sexual harassment is a form of sex discrimination and is illegal under Title VII of the 1964 Civil Rights Act. It is deliberate or repeated and unwelcome behavior of a sexual nature. It negatively affects morale, motivation, and job performance. Sexual harassment results in increased absenteeism, turnover, inefficiency, and loss of productivity. Examples of sexual harassment include but are not limited to the following:

- Physical conduct: Unwelcome touching, standing too close, brushing against someone; suggestive looks or leering; inappropriate or threatening staring or glaring, obscene, threatening, or offensive gestures.
- Verbal or written conduct: Pressure for sexual favors; inappropriate references to body parts; derogatory or demeaning comments, jokes, or personal questions; sexual innuendoes; offensive remarks about gender or sexual orientation, obscene letters or telephone calls; catcalls; whistles, or questionable compliments.
- Visual or symbolic conduct: Display of nude pictures, scantily-clad, or offensively-clad people; display of offensive, threatening, demeaning, or derogatory symbols, drawings, cartoons, or other graphics; offensive T-shirts, coffee mugs, bumper stickers, or other articles.

An employee who engages in sexual harassment will face consequences ranging from verbal warnings and letters of reprimand, up to and including termination from employment, depending on the seriousness of the misconduct. Managers and supervisors who do not take action when they know or suspect that harassment is occurring also face discipline. Contractor staff may be subject to comparable penalties from their employers, and a contractor who fails to enforce this policy may have its contract terminated. Visitors who harass may be removed from any workplace and prevented from returning. **SEXUAL HARASSMENT WILL NOT BE TOLERATED.**

Individuals who believe they are being sexually harassed should do any of the following:

1. Tell the harasser to stop the offensive conduct; and/or
2. Tell a supervisor or manager about the harassment; and/or
3. Contact the EEO Office, the EEO Manager, (208) 373-4011, and EEO Counselor, or anyone you trust to take appropriate action.
4. When you are on a fire incident, contact a Human Relations Officer, if one is available.
5. You can also call the Sexual Harassment Hotline at 1-(800) 527-8987 or (202) 208-0328 or TDD (202) 208-5998.

/s/ K Lynn Bennett
K Lynn Bennett, State Director

September 24, 2003
Date